

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow. Claims 1-24 are pending in the present application.

I. Rejection of Claims 1-3, 6-12, 14-18, and 22-24 Under 35 U.S.C. § 102

On page 2 of the Office Action, in section 3, Claims 1-3, 6-12, 14-18, and 22-24 were rejected under 35 U.S.C. 102(e) as being anticipated by technical specification 3GPP TS 23.234 V6.0.0 2004-03 (hereafter “the Technical Specification”). Applicants respectfully traverse the rejection. Applicants respectfully note that the Technical Specification is not proper 102(e) prior art since it is neither a patent nor a patent application publication. Moreover, it is not clear when in 2004 the Technical Specification was published. The copyright date is 2004 and there is a revision history on page 83, but no clear indication as to the actual publication date. The present application claims priority to PCT/FI2004/000386, filed June 24, 2004. Thus, a *prima facie* case has not been made that the Technical Specification is prior art.

Regardless, the Technical Specification fails to teach the elements of the claims, and, in particular, the Technical Specification fails to teach the elements in the required level of detail as per MPEP 2131.

Independent Claim 1 recites:

A method of arranging transmission of packet data in a system comprising a mobile terminal, a wireless local network and a mobile network, the method comprising:

signalling end-to-end service related parameters for communication between the mobile terminal and the wireless local network,

communicating a resource authorization identifier to the mobile terminal,

transmitting the resource authorization identifier to the mobile network via the wireless local network,

receiving a request for authorization from the mobile network on the basis of the resource authorization identifier, and

sending an authorization response to bind a tunnel between the mobile terminal and the mobile network to an end-to-end data flow of the mobile terminal wherein the authorization response comprises identification information on the end-to-end data flow and tunnel identification information identifying the tunnel.

The Examiner rejected independent Claims 8, 9, 15, 16, 17, and 22 using the same reasoning as Claim 1.

On page 2 of the Office Action, the Examiner points to various portions of the Technical Specification, in particular, figures 4.1, 5.1, 6.1-6.2B, 7.1 and 7.10, and paragraphs 5.1, 5.2, 5.7.2, 5.12, 6.2.3. The citations refer to general descriptions and requirements of the 3GPP system to WLAN interworking. Part 5 describes “High-level Requirements and Principles.” Part 6 describes the “Interworking Architecture.” Part 7 describes “Procedures.” However, “the 3GPP specification TS 23.234 [the Technical Specification] does not disclose how to arrange the adoption of the policy for the terminal in the WLAN-3GPP interworking system.” (Specification, Para. [0005]; Underlining added). The Examiner uses the same reasoning for independent Claims 1, 8, 9, 15, 16, 17, and 22.

The Technical Specification does not teach “communicating a resource authorization identifier to the mobile terminal” as recited by Claim 1. (Underlining added). For this claim element, the Examiner points to: “(Fig. 4.1, Paragraph 5.1, lines 14-15 and page 12, lines 12-18, ‘WLAN Access Authorization’, ‘Access to 3GPP PS based services shall be provided via WLAN’). Fig. 4.1 merely shows a simplified WLAN network model. Para. 5.1, lines 14-15 state:

WLAN Access Authorization shall occur upon the success of the authentication procedure. It shall take into account the user's subscription profile and optionally information about the WLAN AN, such as WLAN AN operator name, WLAN AN location information (e.g., country, telephone area code, city), WLAN AN throughput (e.g., maximum and minimum bandwidth guarantees for both ingress and egress traffic). This information is used to

enable use-case scenarios like location based authentication/authorization, location based billing I customer care, and location based service offerings.

Page 12, lines 12-18 state:

Access to 3GPP PS based services shall be provided via WLAN. The interworking architecture shall be able to support all 3GPP PS based services.

Access to PS based services normally provided by the 3GPP PS Core Network shall be provided via WLAN. WLAN access to these services shall support the same features as those supported via the 3GPP PS Core Network according to operator choice, e.g. private addressing schemes, external address allocation, secure tunneling to private external network. Quality of Service shall be supported when accessing these services via WLAN, although some limitations may exist because of the WLAN AN.

However, the Technical Specification, in particular the citations above, does not teach “communicating a resource authorization identifier to the mobile terminal” as recited by Claim 1. (Underlining added).

Likewise, the Technical Specification does not teach “transmitting the resource authorization identifier to the mobile network via the wireless local network” as recited by Claim 1. (Underlining added). For this claim element, the Examiner points to: “(Fig. 4.1, Paragraph 5.1, lines 14-15 and page 12, lines 12-18, ‘WLAN Access Authorization’, ‘Access to 3GPP PS based services shall be provided via WLAN’, ‘secure tunneling’, and paragraph 5.2, lines 1-11, ‘WLAN Authentication signaling is executed between WLAN UE and 3GPP AAA server’). In addition to the citations discussed above, Paragraph 5.2, lines 1-11 states:

End to End Authentication: WLAN Authentication signaling is executed between WLAN UE and 3GPP AAA Server for the purpose of authenticating the end-user and authorizing the access to the WLAN and 3GPP network.

Transporting Authentication signalling over WLAN Radio Interface: WLAN authentication signalling is carried between WLAN UE and WLAN AN by WLAN Access Technology

specific protocols. To ensure multivendor interoperability these WLAN technology specific protocols shall conform to existing standards of the specific WLAN access technology.

Transporting Authentication signalling between WLAN AN and 3GPP network: WLAN Authentication signaling shall be transported between any WLAN AN and 3GPP network by a standard protocol, which is independent of the specific WLAN technology utilised within the WLAN Access network.

Details of end to end authentication and transport of authentication signalling over the WLAN radio interface and between the 3GPP network and WLAN is covered in 3GPP TS 33.234 [10]

However, the Technical Specification does not teach “transmitting the resource authorization identifier to the mobile network via the wireless local network” as recited by Claim 1. (Underlining added).

In addition, the Technical Specification does not teach “receiving a request for authorization from the mobile network on the basis of the resource authorization identifier” as recited by Claim 1. (Underlining added). For this claim element, the Examiner points to: “(Figure. 4.1 and paragraph 5.2, particularly page 13, lines 1-8, ‘After the authentication process succeeds ... the 3GPP AAA server to decide whether the access is allowed’).” Page 13, lines 4-7 state:

After the authentication process succeeds, there could be additional conditions for the 3GPP AAA Server to decide whether the access is allowed and what access rules/policy should be applied. These conditions may be based on the subscriber's profile, the account status, O&M rules, local agreements or information about the WLAN AN.

However, the Technical Specification does not teach “receiving a request for authorization from the mobile network on the basis of the resource authorization identifier” as recited by Claim 1. (Underlining added).

Finally, the Technical Specification does not teach “sending an authorization response to bind a tunnel between the mobile terminal and the mobile network to an end-to-end data flow of

the mobile terminal wherein the authorization response comprises identification information on the end-to-end data flow and tunnel identification information identifying the tunnel” as recited by Claim 1. (Underlining added). For this claim element, the Examiner points to: “(Figure. 5.1, paragraphs 5.7.2, 5.12, Figure 6.1-6.1b, paragraph 6.2.3, figures 7.1 and 7.10).” Part 5.7.2 generally discusses “tunneling requirements.” Part 5.12 generally discusses “AAA Protocol Requirements.” Figures 6.1-6.1b show basic network models. Part 6.2.3 generally discusses some functions of a AAA server. Figure 7.1 shows a UE attaching to a WLAN AN, for example, a mobile phone establishing a 802.11 connection with a WLAN. (Note that this is not whatsoever related to the respective element in Claim 1.) Figure 7.10 describes “the generic message exchange necessary in order to resolve the selected W-APN and establish a WLAN UE-Initiated tunnel for Scenario 3 purposes.” (Page 43, Part 7.9, lines 1-2).

Thus, the Technical Specification does not teach “sending an authorization response to bind a tunnel between the mobile terminal and the mobile network to an end-to-end data flow of the mobile terminal wherein the authorization response comprises identification information on the end-to-end data flow and tunnel identification information identifying the tunnel” as recited by Claim 1.

In each element, the citations merely reveal a general description of activities related to the element but do not actually disclose the detailed elements themselves. Particularly in light of the specification, which states “the 3GPP specification TS 23.234 [the Technical Specification] does not disclose how to arrange the adoption of the policy for the terminal in the WLAN-3GPP interworking system,” it is not enough to cite general description. (Specification, Para. [0005]; Underlining added). In this case, although the Technical Specification is certainly related to the claimed subject matter, the Technical Specification does not actually disclose the actual claimed subject matter. In an anticipatory rejection, each and every element of the claims must be shown. Moreover, “the identical invention must be shown in as complete detail as is contained in the ... claim.” (MPEP 2131).

An anticipatory rejection cannot be properly maintained where the reference does not disclose all of the elements or does not disclose the identical invention in as complete detail as

the claims. For at least the above reasons, Applicants respectfully request withdrawal of the rejection of independent Claim 1 and independent Claims 8, 9, 15, 16, 17, and 22 which were reject using the same arguments. Claims 2-7 include elements of Claim 1. Claims 10-14 include elements of Claim 9. Claims 18-19 include elements of Claim 15. Claims 20-21 include elements of Claim 17. Claims 23-24 include elements of Claim 22. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 1-24.

II. Rejection of Claims 4, 5, 13, 19 and 21 Under 35 U.S.C. § 103

On page 5 of the Office Action, in section 4, Claims 4, 19 and 21 were rejected under 35 U.S.C. 103(a) in view of the Technical Specification. On page 7 of the Office Action, in section 5, Claims 5 and 13 were rejected under 35 U.S.C. 103(a) over the Technical Specification in view of U.S. Patent Application Publication 2005/0163078 to Oba et al. Applicants respectfully traverse the rejections.

As discussed above, the Technical Specification does not disclose all of the elements and does not disclose the identical invention in as complete detail as independent Claims 1 and 17. Claims 4 and 5 include elements of Claim 1. Claim 13 includes elements of Claim 9. Claims 19 and 21 include elements of Claim 15. An obviousness rejection cannot be properly maintained where the reference does not disclose all of the elements or does not discloses the identical invention in as complete detail as the claims. For at least the above reasons, Applicants respectfully request withdrawal of the rejection of Claims 4, 5, 13, 19, and 21.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or

incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extension of time is needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any extension fee to Deposit Account No. 19-0741.

Respectfully submitted,

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